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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,728	12/10/2003	Alan E. Opel		6699
26874	7590	05/12/2004		
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			EXAMINER RACHUBA, MAURINA T	
			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability	Application No.	Applicant(s)	
	10/732,728	OPEL, ALAN E.	
	Examiner	Art Unit	
	M Rachuba	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 10 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: The IFW scanned copy of the claims and specification appears to be incomplete, in that many words are missing letters. The examiner's amendment is required to correct the scanning defects.

Claim 1, line 1 "capabl f" has been amended to read capable of.

Claim 1, line 9, "th" has been amended to read the.

Claim 1, line 21, "carri r" has been amended to read carrier.

Claim 1, line 23 "th dry ic particl s b ing" has been amended to read the dry ice particles being.

Claim 1, line 24, "th carrier passa s t flow fr m th utl t, th re" has been amended to read the carrier passages to flow from the outlet, there.

Claim 3, line 16 "dry ic bl ck" has been amended to read dry ice block.

Claim 3, line 17, "slot ex nding b tween said upst am and d ownstream fac s, a" has been amended to read slot extending between said upstream and downstream faces, a.

Claim 3, line 27, "particl s" has been amended to read particles.

Claim 4, line 2, "th" has been amended to read the.

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Claim 4, line 4, "mixtur" has been amended to read mixture.

Claim 4, line 5, "particl s" has been amended to read particles.

Claim 5, line 1, "ic" has been amended to read ice.

Claim 5, line 2, "movabl" has been amended to read moveable.

Claim 5, line 3, "pell t" has been amended to read pellet.

In the specification,

Page 1, line 15, "th" has been amended to the; line 18, "th y" has been amended to they.

Page 2, line 1, "on sturctur s as fragile as small el ctrical coils. Obvi usly a" has been amended to read on structures as fragile as small electrical coils. Obviously a; and line 24, "produc s a strong tendency t" has been amended to read produces a strong tendency to.

Page 3, line 1, "clump when stor d for even very short tim period" has been amended to read clump when stored for even very short time periods.

Page 4, line 1 "grind r" has been amended to read grinder; line 4, "th" has been amended to read the; line 24, "mixtur s of different mass siz s" has been amended to read mixtures of different mass sizes.

Claim 5, line 6, "form f" has been amended to read form of; line 9, "selective ly" has been amended to read selectively; line 10 "th" now reads the; line 13, "ic" now reads ice; line 16, "th" now reads the; line 24, "appropriat type of dry ice for the typ of dry ic particl" now reads appropriate type of dry ice for the type of dry ice particles.

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Page 6, line 1, "desired (pellets or granules)" has been amended to read desired (pellets or granules); line 24, "particle" now reads as particle.

Page 7, line 15, "f" has been amended to read of.

Page 8, line 1 "the outlet plate" has been amended to read the outlet plate; line 24, "it receives a supply f" now reads it receives a supply of.

Page 9, line 1, "pellets" has been amended to read pellets; line 6, "production" now reads production; line 24, "they have an approximate nominal length of about" has been amended to read they have an approximate nominal length of about.

Page 10, line 1, "inches" has been amended to inches and "diameter" to diameter; line 13, "and/or" has been amended to and/or.

Page 11, line 1, "the first set of passages" now reads the first set of passages; line 24, "sizes are utilized" now reads sizes are utilized.

Page 12, line 1, "diverter" has been amended to read diverter, "the" now reads the; "plane" now reads plane and "face" now reads face; line 5, "f" is now of; line 22, "granules" is now granules; and line 24, "effective" is now effective.

Page 13, line 1, "the" has been amended to read the; line 2, "f" now reads of; line 3, "rises" now reads rises; line 21, "the" now reads the.

Page 14, line 1, "material from pellets to block, or vice versa" has been amended to read material from pellets to block, or vice versa; line 6, "operation" is now operation; line 16, "sizes" is now sizes; line 17, "f" is now of.

Page 15, line 1, "granules" has been amended to read granules; line 21, "given" is now given; and line 22, "accordance" is now accordance.

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In the Abstract of the Disclosure, line 2, "ut" has been amended to read out.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose or fairly teach a single device for metering dry ice pellets and shaving particles from dry ice blocks. The closest art of record, PCT WO 99/22909, which discusses metering dry ice pellets and 5,570,572, which discuses shaving particles from a dry ice block, do not disclose that the same metering device can be used to shave particles from a block of dry ice, or that the shaving device can be used for metering pellets.

Conclusion

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the content of this communication or earlier communications from the examiner should be directed to M. Rachuba whose telephone number is (703) 308-1361. The examiner can normally be reached on Monday through Friday from 8:30 AM to 4:00 PM. Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Representative, Tech Center 3700, (703) 306-5648.

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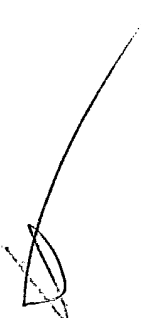
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (703) 308-2687. The fax phone number for this Group is (703) 872-9302.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

M. RACHUBA
PRIMARY PATENT EXAMINER
ART UNIT 3723

mtr
May 10, 2004

A handwritten signature, likely of M. Rachuba, is written in dark ink. It consists of a stylized, cursive 'M' followed by a series of loops and a final flourish that extends upwards and to the right.